

**Planning/Zoning, Land Design & Development Meeting  
Tuesday, February 3, 2009  
2:08 P.M.  
Third Floor, City Hall**

**Absent:** CM Jon Ackerson (Excused) CM Ward-Pugh

Chairman Owen left the Chambers at 2:12 p.m. and Vice Chair Stuckel took over the meeting.

O-12-01-09 AN ORDINANCE AMENDING CHAPTER 2, PART 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO USE LISTINGS IN THE C-N, NEIGHBORHOOD COMMERCIAL, AND C-R, COMMERCIAL RESIDENTIAL ZONING DISTRICTS, CHAPTER 4, PART 2 OF THE LAND DEVELOPMENT CODE PERTAINING TO CONDITIONAL USE PERMITS AND CHAPTER 4, PART 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO CELLULAR ANTENNA TOWERS (CASE NO 11941). (6-18-2008)

Motion to Approve was made by Hal Heiner and seconded by Cheri Bryant Hamilton.

The following changes were discussed:

- The following was also discussed:

- Conditional use permits - changing the characteristics of a property

- Possible stipulation that if residential is changed and then abandoned, the property is to change back to residential
- Restrictions for Form Districts
- Opportunities in the Community for Blood Plasma Collection Uses
- Waivers and Conditional Use Permits
- Notification of Extension of Existing Cellular Towers vs. New Cellular Towers
- Response times

CM Butler, Sponsor of this item, encouraged the Committee to vote yes.

This Ordinance was sent to **Old Business**.

VOTING RESULTS: For: 3; Against: 1; Abstain: 0; Absent: 1

For: Hal Heiner, Glen Stuckel, Madonna Flood

Against: Cheri Bryant Hamilton

Abstain: (None)

Absent: Tom Owen

Chairman Owen returned to the Chambers at 2:45 and finished chairing the Meeting.

[O-13-01-09 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO C-1, COMMERCIAL AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO REGIONAL CENTER ON PROPERTY LOCATED AT 7805, 7807 AND 7911 BARDSTOWN ROAD, CONTAINING A TOTAL OF 12.5 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 10787\). \(3-11-09\)](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Madonna Flood.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on December 11, 2008. Eleven spoke in opposition and one spoke neither for nor against. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Benson's District. A power point presentation was given. The following were items of discussion and concern:

- Three adjacent parcels
- Allow construction of a Retail Center
- Mixed Use
- Traffic issues
- Primarily vacant with a few old structures to be removed
- Renderings of Elevations
- Conformance to Form District
- Condition placed on Development Plan that Revised Plan has to come back to the Planning Commission for Approval
- Change in Form District from Neighborhood to Regional Center
- Cap on square footage

CM Benson, District Representative, stated his concerns regarding the following:

- A Regional Center Form District Change vs. leaving it a Neighborhood Form District.
- Access
- Location of a Regional Center
- Traffic

CM Benson stated he is in support of a Regional Center, just not at this location and he is in favor of the zoning change but not the Form District change for this site.

Motion to Amend by denying the Form District Change and directing the County Attorney to prepare finding of fact for the denial of the Form District change was made by Stuart Benson, and seconded by Hal Heiner.

The Following was discussed:

- Revised Development Plan has to come back to the Planning Commission
- Will this change the foot print of the building
- Traffic and improvements to the area
- Acreage is small for a Regional Center
- 80,000 Square foot Cap that can possibly be waived
- Need continued retail development

The motion and second to Amend was withdrawn.

The possibility of adding 3 binding elements regarding the following was discussed:

- Building design and materials
- Screening along east property line
- Development Plan Revision

Motion to direct the County Attorney to meet with Applicants and Interested Parties regarding possible addition of Binding Elements was made by Glen Stuckel and seconded by Hal Heiner.

The Motion passed.

Motion to Table was made by Glen Stuckel and seconded by Hal Heiner.

This Ordinance was **Tabled**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Tom Owen, Glen Stuckel, Cheri Bryant Hamilton, Madonna Flood, Stuart Benson

Against: (None)

Abstain: (None)

Absent: (None)

[O-185-09-08 AN ORDINANCE CLOSING A 115-FOOT LONG SECTION OF UNNAMED 16-FOOT-WIDE ALLEY, 75 FEET FROM ITS SOUTH INTERSECTION WITH ANDERSON STREET BETWEEN W.J. HODGE AND 20TH STREETS, CONTAINING 0.04 ACRES, A SECTION OF 20TH STREET, 21 FEET SOUTH OF ITS INTERSECTION WITH ANDERSON STREET AND RUNNING SOUTH 304 FEET, CONSISTING OF A 60-FOOT-WIDE RIGHT-OF-WAY CONTAINING APPROXIMATELY 0.18 ACRES, AND A SECTION OF KENDALL COURT 64 FEET FROM ITS SOUTHERN INTERSECTION, RUNNING 186 FEET SOUTH, CONSISTING OF A 45-FOOT-WIDE RIGHT-OF-WAY CONTAINING APPROXIMATELY 0.18 ACRES, ALL BEING IN LOUISVILLE METRO \(CASE NO. 9202\). \(3-4-09\)](#)

**Status:** In Committee - Tabled

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Hal Heiner.

**Discussion:** Dawn Warrick, DPDS, gave a brief review of the case. A power point presentation was given. The following was items of discussion and concern:

- Additional concept plan submitted
- The concept plan is not an approved development plan
- Access
- There is a couple of Typographical errors in the title and body that will be corrected

Interested parties, Linda Brown, Willie Brown, Larry Buford, and Aaron Kent, spoke regarding access, to their properties, buffering, and lack of information.

The following was also discussed:

- Will have a Category 3 Review
- Will have Public input
- Does not have a development plan right now
- Access cannot be cut off from property owners
- Will not requiring a turn-around
- Property owners will still live on dead end streets
- Metro Council does not have to have 100% property owners agreement to close a street

Chairman Owen stated he would ask CM Tandy to guarantee that the property owners will get recycle and garbage services along with making sure, once again, that the Fire Department will have adequate services to the properties.

The Ordinance was sent to **Old Business**.

VOTING RESULTS: For: 4; Against: 1; Abstain: 0; Absent: 0

For: Hal Heiner, Tom Owen, Glen Stuckel, Madonna Flood

Against: Cheri Bryant Hamilton

Abstain: (None)

Absent: (None)

[O-14-01-09 AN ORDINANCE AMENDING THE CORNERSTONE 2020 COMPREHENSIVE PLAN TO INCORPORATE THE EXECUTIVE SUMMARY OF THE RETAIL MARKET STUDY \(CASE NO. 11942\). \(6-18-09\)](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

**Discussion:** This item was **Held in Committee**.

Motion to Adjourn was made by Madonna Flood and seconded by Hal Heiner. Without objection the meeting Adjourned at 4:10 P.M.

**\*NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on February 12, 2009.**

**KQG**